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SUBJECT: CONSPIRACY LAW STALLED AGAIN

11. (SBU) Summary and Comment. Despite ruling and opposition camp admissions that a bill to criminalize conspiracy is needed, the conspiracy bill remains locked in a Lower House committee with almost no chance of passage before the Diet session ends on June 18. The conspiracy law would bring Japan into compliance with the 2000 UN Convention Against Transnational Organized Crime and enable Japan to join other countries in cracking down on cross-border crimes such as terrorism and drug and human trafficking. The Diet came close to a compromise in early June, but the opposition backed away from approving its own draft bill. The coalition's inability to pass the conspiracy law, despite its overwhelming majority in the Diet, suggests it is unwilling to risk derailing discussion on its medical reform package by ramming through the conspiracy bill. End Summary and Comment.

12. (SBU) The amendment to the Anti-Organized Crime Law, commonly referred to as the "conspiracy law," would criminalize conspiracy and bring Japan into compliance with the 2000 UN Convention Against Transnational Organized Crime (TOC Convention). The amendment would enable Japan to join other countries in cracking down on cross-border crimes such as terrorism and drug and human trafficking. Despite acknowledgment by both the ruling and opposition camps that a revision to criminalize conspiracy is needed, the bill remains in the Lower House Judicial Affairs Committee with almost no chance of being passed before the regular Diet session ends on June 18. Our Foreign Ministry contacts tell us they are trying to salvage the bill through discussion with Diet members, but the bill will most likely be carried over to the Diet session expected to convene in the fall.

Resistance Strong  
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13. (SBU) Japan signed the UN Convention Against Transnational Organized Crime in 2000 and approved it at a regular Diet session in 2003, but has yet to ratify the treaty. The conspiracy bill was initially submitted to the Diet in 2003 but has been repeatedly shelved due to resistance from opposition parties and civic organizations that claim that the law could threaten freedom of association, thought and expression. As one Foreign Ministry official explained, the law is controversial because, prior to World War II, the police used a conspiracy law as a pretext to suppress freedom of speech and to arrest citizens. The Japan Federation of Bar Associations also opposes the bill because it could result in "thought policing."

Form Over Substance  
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14. (SBU) Throughout the Diet session, the coalition

criticized the opposition Democratic Party of Japan (DPJ) bill, saying it would not meet the requirements needed to ratify the TOC Convention. The DPJ-sponsored bill limited the conspiracy charge to crimes that carry a sentence of more than five years of imprisonment and to international crime. However, the UN Convention requires member countries to make conspiracy charges applicable to crimes that are punishable by four or more years of imprisonment. It also calls on member countries not to limit the types of offenses to international crime.

15. (SBU) In spite of the coalition's reservations, it suddenly decided on June 1 to accept the DPJ's conditions, clearing the way for passage this session. Most media explained away the sudden change of heart as a coalition strategy to pass a version of the bill this session and amend it in the next session to bring Japan into compliance with the UN Convention. In response, the DPJ rejected the coalition's overtures and refused to pass its own bill by boycotting the Judicial Affairs Committee meeting.

Comment

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16. (SBU) Japan's law enforcement authorities are left on weak footing without the conspiracy law. Currently, the police cannot arrest suspected terrorist collaborators in Japan unless the suspects also violate domestic laws. It limits the government's response to international organized crime networks engaged in human trafficking, the drug trade and other cross-border crimes. The coalition's inability to pass the conspiracy law, despite its overwhelming majority in the Diet, speaks to its legislative priorities. The coalition appears unwilling to risk derailing discussion on its medical reform package by ramming through the conspiracy bill.

SCHIEFFER